

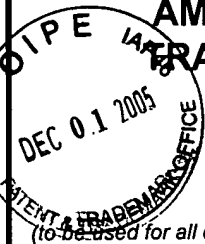
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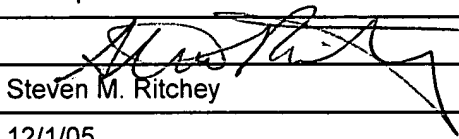
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AMENDMENT TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	10/619,971	
	Application Title	Compositions and Methods of Addition for Calcium Supplementation in Transparent Beverages Using Tricalcium Phosphate	
	Filing Date	7/15/2003	
	First Named Inventor	Myers, Nadeen B.	
	Art Unit	1761	
	Examiner Name	Pratt, Helen F.	
Total Number of Pages in This Submission	3	Attorney Docket Number	41482/41410

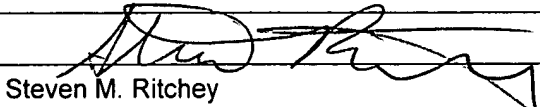
ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Determination Record Transmittal Form	<input checked="" type="checkbox"/> Response to Final Action	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Post Card
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Extension of Time Request	
<input type="checkbox"/> The Commissioner is hereby authorized to charge the fee of \$_____ in this application to a Deposit Account _____	<input checked="" type="checkbox"/> If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefore and charge Deposit Account <u>20-0823</u> accordingly	
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment, to Deposit Account Number <u>20-0823</u> . I have enclosed a duplicate copy of this sheet.	<input type="checkbox"/> Information Disclosure Statement	
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<input type="checkbox"/> Any patent application processing fees under 37 C.F.R. 1.17.	<input type="checkbox"/> Drawing(s)	
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	<input type="checkbox"/> Terminal Disclaimer	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thompson Coburn LLP		
Signature			
Printed name	Steven M. Ritchey		
Date	12/1/05	Reg. No.	46321

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
Nadeen Myers)	
Serial No.: 10/619, 971)	Examiner: Pratt, Helen F.
Filing Date: July 15, 2003)	Group Art Unit 1761
Title: <i>Compositions and Methods of Addition</i>)	Attorney Docket No. 41482-41410
<i>for Calcium Supplementation in</i>)	
<i>Transparent Beverages Using</i>)	
<i>Tricalcium Phosphate</i>)	

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RESPONSE TO FINAL ACTION

HONORABLE SIR:

This letter is in response to the Final Action mailed on October 7, 2005 regarding the above-referenced application. Further, the purpose of this letter is to memorialize the telephone conference that the undersigned had with Examiner Pratt on December 1, 2005. As a result of that conversation Examiner Pratt agreed to withdraw the outstanding rejections to the pending claims.

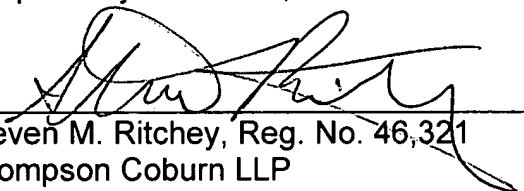
Our conversation was concerned primarily with the patentability of claims 1 and 19. In summary, Examiner Pratt agreed that the cited references of Valencia et al., Kalala et al., and Reussner in combination do not disclose, teach, or suggest all the elements of claim 1. Specifically, they do not disclose, teach, or suggest a calcium-supplemented fluid composition comprising a combination of a TCP solution that comprises tricalcium phosphate (TCP) dissolved in an acidulent solution and a transparent, ingestive liquid, wherein the calcium-supplemented fluid composition **has about 10% to about 50% of the RDA of calcium per serving from the TCP solution, and is substantially free of visible sediment or precipitation, or is not turbid or opaque.** A detailed discussion on the deficiencies of the cited references was set forth in the Amendment A submitted on August 12, 2005.

Similarly, Examiner Pratt agreed that the cited references of Valencia et al., Kalala et al., Reussner, and Palaniappan et al. do not disclose, teach, or suggest all the elements of claim 19. Specifically, they do not disclose, teach, or suggest a method for preparing a calcium-supplemented fluid composition that comprises **dissolving tricalcium phosphate (TCP) in an acidulent solution** to make a first solution with a pH of about 2 to about 3.5, combining the first solution with a sufficient amount of a transparent, ingestive liquid to make the calcium-supplemented fluid composition having about 10% to about 50% of the RDA of calcium per serving from the TCP solution. A detailed discussion on the deficiencies of the cited references was set forth in the Amendment A submitted on August 12, 2005.

In view of the foregoing, it is submitted, and Examiner Pratt agrees that claims 1-17 and 19-39 are nonobvious in view of, and patentable over the cited references. Therefore, Applicant respectfully requests allowance of claims 1-17 and 19-39.

The Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 20-0823.

Respectfully submitted,



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